

United States Bankruptcy Court  
Southern District of New York

In Re:  
RICHARD GORDON

Debtor(s)

Order Pursuant to Bankruptcy Code  
§§362(c)(4)(A)(ii)

Chapter: 13  
Case Number: 10-10896 (MG)

Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Minnesota, N.A., as Trustee, in trust for registered Holders of First Franklin Mortgage Loan Trust 2003-FF1, Asset-Backed Certificates, Series 2003-FF1 ("Secured Creditor"), a secured creditor of the Debtor, moved the Court for entry of an Order pursuant to Bankruptcy Code Sections 362(c)(4)(A)(ii) and 362(j) declaring that the Automatic Stay has not gone into effect upon the filing of the instant case as the instant case represents the third bankruptcy filing by RICHARD GORDON in a period of less than one year, wherein two prior filings were both dismissed (the "Motion"). The Debtor filed this case on February 22, 2010. This is the Debtor's tenth bankruptcy filing in the past nine years. The Debtor's prior cases are:

- Case Number 01-42833(CB) Filed On 11/9/01, dismissed on 1/17/02;
- Case Number 02-42402(CB) Filed On 7/29/02, dismissed on 11/22/02;
- Case Number 06-10701(JMP) Filed on 4/5/06, dismissed on 6/30/06;
- Case Number 06-12041(MG) Filed On 8/30/06, dismissed on 11/29/06;
- Case Number 07-11366(JMP) Filed On 5/7/07, dismissed on 8/14/07;
- Case Number 07-13089(MG) Filed On 9/28/07, dismissed on 12/28/07;
- Case Number 08-10643(MG) Filed On 2/26/08, dismissed on 5/19/08;
- Case Number: 08-14693(MG) Filed On 11/24/08, dismissed on 3/9/09; and
- Case Number: 09-16221(MG) Filed On 10/19/09, dismissed on 12/17/09.

The Court, having determined that the instant case is the Debtor's third pending bankruptcy matter in a period of less than one year and that two prior filings were dismissed on March 9, 2009 and December 17, 2009, upon the request of the Secured Creditor it is hereby

**ORDERED**, that the automatic stay did not go into effect upon the filing of the instant bankruptcy case and the Foreclosure Sale conducted on February 22, 2010 is valid; and it is further

**ORDERED**, that the Secured Creditor, its successors, agents or assigns shall be permitted to exercise its rights under the Note and Mortgage and applicable state law, including but not

limited to, consummating and/or completing a foreclosure action and eviction with regard to the premises commonly known as 1050 E. 226th Street, Bronx, NY 10466; and it is further

**ORDERED**, that the Motion's request for attorneys' fees is denied.

Dated: May 18, 2010  
New York, NY

/s/Martin Glenn  
Martin Glenn  
United States Bankruptcy Court Judge